

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI
JOPLIN DIVISION**

Winifred Margaret Williams,)	
)	Case No.: 19-30094-btf7
Debtor,)	
)	
Nationstar Mortgage LLC d/b/a Mr.)	Chapter 7
Cooper, its successors and/or assignees,)	
)	
Movant,)	
)	
Winifred Margaret Williams, and)	
Patricia Ann Brown, Chapter 7 Trustee,)	
)	
Respondents.)	

MOTION FOR RELIEF FROM THE AUTOMATIC STAY

COMES NOW Movant, Nationstar Mortgage LLC d/b/a Mr. Cooper, its successors and/or assigns (“Movant”), and states as follows in support of its Motion for Relief from the Automatic Stay:

1. This Court has jurisdiction over this proceeding pursuant to 28 U.S.C. § 1334 and 11 U.S.C. § 362 and Bankruptcy Rules 4001(a) and 9014.
2. On March 6, 2019, Winifred Margaret Williams (“Debtor”) filed for protection in the Bankruptcy Court for the Western District of Missouri, under Chapter 7 of the Bankruptcy Code, being bankruptcy case number 19-30094-btf7.
3. Patricia Ann Brown is appointed Chapter 7 Trustee.
4. Debtors are the owners of real estate located at 123 South Oronogo Street, Webb City, MO 64870 (“the Property”). The Property is legally described as follows:

All of Lot Numbered Two Hundred Seventy-Three (273) in Byer’s and Ball’s Addition to the City of Webb City, Jasper County, Missouri, according to the recorded plat thereof.

5. Movant is the holder, or legal agent of the holder, of a note and deed of trust executed by Debtors – attached are redacted copies of any documents that support the claim, such as promissory notes, purchase order, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements in support of right to seek a lift of the automatic stay and foreclose if necessary – encumbering the Property.

6. The estimated current market value of Debto's interest in the Property is approximately \$77,000.00.

7. According to Debtor's Statement of Intention, the Property is to be surrendered.

8. As of March 8, 2019 the minimum outstanding obligation is:

Principal Balance	\$60,366.38
Interest	\$1,848.70
Escrow Advance	\$824.56
Accrued Late Charges	\$0.00
Recoverable Fees	\$215.00
Less Suspense	(\$35.58)
Total	\$63,219.06

9. As of March 8, 2019, the **principal balance on the promissory note** is approximately \$60,366.38, plus interest at the rate of 5.25%; and Debtors have **failed to make payments** due on the promissory note; and, such payments are owing and delinquent from October 1, 2018 to March 1, 2019 as set forth below:

5 Regular monthly payments at \$694.07 each:	\$3,470.35
1 Regular monthly payments at \$717.77 each:	\$717.77
Attorney fees and costs for this Motion	\$931.00
Accrued Late Charges	\$0.00
Less Suspense	(\$35.58)
Total	\$5,083.54

Furthermore, additional payments will become due according to the terms of the note.

10. Movant does not have, and has not been offered, adequate protection for its security interest in the Property. Absent an order, Movant's interest in the Property will be irreparably injured and harmed.

11. The above Property is not of sufficient value over and above the deed of trust indebtedness it secures plus the homestead exemption, if any, to be of any benefit for the estate.

WHEREFORE, Movant respectfully requests that the Bankruptcy Court enter its Order: granting this Motion for Relief from the Automatic Stay; and, terminating the automatic stay pursuant to 11 U.S.C. Section 362(d) as to the Property and Movant; and, waiving the fourteen (14) day stay imposed by FRBP 4001(a)(3); and, declaring that the Property is not property of Debtors' bankruptcy estate; and, permitting Movant to take such actions with respect to the Property as are set forth under applicable non-bankruptcy law (i.e. modifications, deed in lieu, short sales, and other loss mitigation options); and, permitting Movant to proceed with foreclosure of its note and deed of trust pursuant to the laws of the State of Missouri; and, granting such other and further relief as the Bankruptcy Court may deem just and proper.

SHAPIRO & KREISMAN, LLC

By: /s/Zachary G. Edwards
Zachary G. Edwards #63798
13801 Riverport Drive, Suite 502
Maryland Heights, MO 63043
(314) 770-2120
Fax (314) 770-1850
S&K File No. 19-033525
zedwards@logs.com
Attorneys for Movant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was filed electronically on March 28, 2019, with the United States Bankruptcy Court, and has been served on the parties in interest via e-mail by the Court's CM/ECF System as listed on the Court's Electronic Mail Notice List.

Attorney for Debtor:

Jonathan D. Bhend
Bhend Law Office
1801 West 32nd Street
Building B, Suite 204
Joplin, MO 64804

Chapter 13 Trustee:

Richard Fink
2345 Grand Blvd., Suite 1200
Kansas City, MO 64108

Office of the US Trustee:

Charles Evans Whittaker Courthouse
400 E. 9th Street
Room 3440
Kansas City, MO 64106

I hereby certify that a true and correct copy of the foregoing document was filed electronically on March 28, 2019, with the United States Bankruptcy Court, and has been served by Regular United States Mail Service, first class, postage fully pre-paid, to the parties listed below on March 28, 2019.

Debtor:

Winifred Margaret Williams
123 South Oronogo Street
Webb City, MO 64870

/s/Zachary G. Edwards

Adam S. Kerekanich #68602

Zachary G. Edwards #63798

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI
JOPLIN DIVISION**

Winifred Margaret Williams,)
) Case No.: 19-30094-btf7
 Debtor.)
) Chapter 7
)

SUMMARY OF EXHIBITS

The following exhibits in reference to the Motion of Nationstar Mortgage LLC d/b/a Mr. Cooper, were electronically mailed on March 28, 2019:

1. Deed of Trust executed on October 2, 2009, by Donna R. Reed, a single woman and Winifred M. Williams, a single woman, in the amount of \$77,569.00, and recorded on October 6, 2009, in Book 2146 at Page 1229-1238;
2. Assignment of Deed of Trust;
3. Note executed October 2, 2009, in the original amount of \$77,569.00.

SHAPIRO & KREISMAN, LLC

By: /s/Zachary G. Edwards
Zachary G. Edwards #63798
13801 Riverport Drive, Suite 502
Maryland Heights, MO 63043
(314) 770-2120
Fax (314) 770-1850
S&K File No. 19-033525
zedwards@logs.com
Attorneys for Movant